

Exhibit 159

**Transcript of City Attorney Michael Aguirre's 11:30 a.m. news conference**

SCREEN: ROAD COLLAPSE – 5600-5700 BLOCK SOLEDAD MOUNTAIN ROAD – LA JOLLA

AGUIRRE: The geologist has told me that he is still concerned that there could be additional movement and that what we are worried about it is that the toe of the slide could proceed further to the east and further threaten the homes that are bellow.

So, the precaution to stop that is to take the landfill and the earth above the slide area that continues to press down, and remove that. That will be happening tomorrow and they will be restoring a 45 degree angle on the slope so that threat will be removed.

Right now, until we do that, thet situation remains active, remains unstable, and no one can tell us exactly if there is going to be additional movement.

REPORTER: *Is this definitely a landslide? Or, a movement in the earth, maybe not a landslide, maybe a giant pit that opened up?*

AGUIRRE: It was definitely a geological movement. What he explained to me is that there are sheered off clay plates. And that those plate are like a stack of cards and they tilt slightly to the east and for whatever reason there was movement about 60 feet below.

REPORTER: *What? By ground water leakage?*

AGUIRRE: Well, no. We don't have any evidence that is definitive at this point. I think we have to be cautious about what we attribute it to. But, all we know is that these clay plates are sheered off through years of tectonic movement and that they are pointed downward and to the east. And that about 60 feet below ground, according to geologist, there was movement and thus the slide.

It began to move at a rapid pace this morning at about 9 a.m.

REPORTER: *Any idea, was there anything that could have tipped this off that this was happening? I mean, there were people out here yesterday and again this morning.*

REPORTER: *About three weeks ago, crews were out here and the City came back later and said that they could say with certainty that wasn't the cause.*

AGUIRRE: I think that the point is, right now, no one can say anything with certainty. Except to say that we know that three weeks ago that our crews were out here, that they noticed that there was movement at that time, that there was activity out here.

The exact nature and extent of that activity, exactly, who was here and what was going on, we have investigators now back at the City pulling all of the documents out of the Water Department to find out what was going on.

So, we will be able to give that information to you. And I do think it's correct, we want to move with this, as I said before, step-by-step and not get ahead of ourselves.

As we get information, we are going to provide it to you. And it is true that our crews were out here three weeks ago.

REPORTER: *That was City Attorney, Mike Aguirre.*

*But, overhead, Paul and Lisa, if you could hear me, we able police helicopter able going overhead. A mandatory evacuation order. They are broadcasting live over their loud speaker for people on Palamino Circle and also Desert View to get out of their homes. That was a mandatory evacuation order.*

*So, as the City Attorney was talking here a moment ago, he says his investigators are looking as to what happened when other water crews were up her, like, three-and-a-half weeks ago. If you were with us at the top of the hour for the newscast, or at least at about 10:30, the City's Jay Goldstone, the chief operating officer, said absolutely not, they didn't have any cause of that. So, the political season is here as well. But right now, [Aguirre] says it's still under investigation.*

*One of the things that we wanted to talk to you about*

## COMMENTS AT THE SITE

The City Attorney Michael Aguirre was the first elected City officials to arrive on scene at 11:33 a.m. on the morning of 3 October 2007 – more than two hours after the slide began. After surveying the damaged homes and the landslide, Aguirre answered questions for reporters and first addressed the current movement of the soil.

The geologist has told me that he is still concerned that there could be additional movement and that what we are worried about it is that the toe of the slide could proceed further to the east and further threaten the homes that are bellow.

So, the precaution to stop that is to take the landfill and the earth above the slide area that continues to press down, and remove that. That will be happening tomorrow and they will be restoring a 45 degree angle on the slope so that threat will be removed.

Right now, until we do that, thet situation remains active, remains unstable, and no one can tell us exactly if there is going to be additional movement.<sup>1</sup>

In response to this statement, a report asked, "Is this definitely a landslide? Or, a movement in the earth, maybe not a landslide, maybe a giant pit that opened up?" Aguirre responded that no conclusions had been reached:

It was definitely a geological movement. What he explained to me is that there are sheered off clay plates. And that those plate are like a stack of cards and they tilt slightly to the east and for whatever reason there was movement about 60 feet below.<sup>2</sup>

Exhibit 160

## Aguirre's landslide strategy in question

UNION-TRIBUNE

October 7, 2007



If San Diego ends up shouldering the blame for Wednesday's landslide on Mount Soledad, it shouldn't come as a shock to anyone who watched television that day.

The prospect of city culpability was raised seemingly before the hillside stopped moving, and by a most unexpected source: City Attorney Michael Aguirre, who speculated the city water system might have played a role in the disaster.

As the man who will defend the city from landslide-related lawsuits, Aguirre was quickly accused by his critics of everything from naiveté to malpractice. They implied that the giant hole that closed Soledad Mountain Road might not be San Diego's most famous dip.

But the city attorney insisted there was a method to his madness, even if some folks can see only the madness.

That evening, Aguirre held a fact-finding meeting in La Jolla. It was crowded with angry and frightened homeowners whose hillside houses were ruined or considered in danger.

His implicit request: Tell me how your city failed you.

They were more than happy to comply.

As Aguirre took notes, the homeowners told tales of broken water pipes, a gushing fire hydrant and gurgling cracks in the street – all of which they believe contributed to the slide.

The more the city was blamed, the more animated Aguirre became. He promised to post their information on his Web site, and he empathized with their plight, saying things like “I’m really sorry that happened” and “That’s not right.”

At one point he happily declared, “We’ve made more progress in the last 30 minutes than I have all day listening to all the experts in the city.”

This is not how these things normally work.

For most of us, friendly conversations and information swaps cease the moment the city sniffs a lawsuit. We are told to file a claim, which is rejected without comment. No one says they’re sorry. No one says boo.

So why this warm treatment for the Mount Soledad homeowners and not, say, the driver who snaps an axle in a pothole?

The answer lies in the intricacies of insurance coverage.

If the landslide is deemed to be the result of *force majeure* – otherwise known as “an act of God” – then the homeowners are out of luck. But if the city was at fault, they can sue for damages. Many have started that process, the rest will soon.

The city's situation is comparable, according to a private lawyer I contacted who is familiar with city insurance policies, but unconnected to this issue.

This lawyer said the city's insurance policies, which amount to about \$50 million, do not cover natural landslides, but do cover landslides caused by water-main breaks.

Which explains why Aguirre was so eager to get all those complaints with the city water system on the record. My source called the strategy “brilliant.” Not everyone will agree.

But collecting on an insurance claim is not free. The city could expect legal expenses, higher rates and even cancelled policies. And while Aguirre says he can protect the interests of both the city and the homeowners, some would argue his first responsibility is to the city, and the homeowners can fend for themselves.

For his part, Aguirre insists he has no strategy beyond collecting information and building a legal theory from the facts. He has hired geotechnical experts and brought in insurance expert Harvey Levine, who worked on the Roque de la Fuente case, to advise him.

There will naturally be some push back from others in city government. Many distrust Aguirre's legal tactics. Plus no one wants to be blamed for a catastrophe, particularly if fingers are pointed at the water crews who struggle daily to keep the city's crumbling system in good repair.

Nor does Mayor Jerry Sanders want a landslide on his résumé as he runs for re-election. Better for him that it be declared an act of God. It might even help with conservatives by injecting a little religion into his politics.

That was the position Sanders took Wednesday night after a briefing from his staff and his department heads, but not from Aguirre. Sanders flatly declared that there was “no evidence” that the landslide resulted from the water-pipe issues that were first reported to the city in July.

“Let there be no doubt,” Sanders said, “from the moment the city was aware of this problem, we've taken every step to address it.”

Since then, he has stopped short of definitive pronouncements, saying he awaits the findings of a forensic geologist.

Aguirre voiced concern that those findings “may protect the people over at City Hall for a short period of time, but cost us our insurance coverage.”

Sanders and Aguirre are famously not getting along, which makes coordinating on this issue all the harder.

Last week, as La Jollans worried about home and family, the mayor's office was needling Aguirre for seeking a police escort into the disaster area Wednesday. Police chauffeurs are a perk for the mayor only.

When I questioned the appropriateness of such tactics in the midst of a civic crisis, I was informed that Aguirre also “commandeered a water truck” that same day. It makes for such a delightful image I don't even care if it's true.

There is no lull in the campaign to paint Aguirre as a madman. But there really is a method to his madness,

unconventional though it may seem.

---

■ **Gerry Braun:** (619) 542-4563; [gerry.braun@uniontrib.com](mailto:gerry.braun@uniontrib.com)

**Find this article at:**

<http://www.signonsandiego.com/news/metro/braun/20071007-9999-1m7braun.html>

☐ Check the box to include the list of links referenced in the article.

© Copyright 2007 Union-Tribune Publishing Co. ? A Copley Newspaper Site



Exhibit 161

**Mayor Jerry Sanders comment at the 4 October 2007 meeting of the San Diego City Council**

6:40<sup>1</sup>

As of today, I have been told by the City's geologist, Rob Hawk, that there is no evidence that this happened as the result of a failure of a City utility, be it water or wastewater. I would ask that everyone, and I repeat, everyone, suspend judgment on this subject until we are able to thoroughly, thoughtfully, deliberately, able to determine in an objective fashion the circumstances that led to this catastrophic failure. To do otherwise would be a disservice to the residents affected and our community as a whole.

---

<sup>1</sup> Timer counter on City of San Diego video archive of City Council meeting

Exhibit 162

**City Attorney Michael Aguirre comment at the 4 October 2007 meeting of the San Diego City Council**

8:20<sup>1</sup>

AGUIRRE

I also think that statements made regarding potential liability, in the future, I agree that there should not be any statements made that the City has liability for this, on a going forward basis. However, it is also important that we put out the truth, and the public know that, what the facts are.

The September 19<sup>th</sup> letter stated:

Dear Soledad Mountain Road Homeowner:

As you are aware, there have been a series of water leaks on service connections from our main water line on your street. This resulted in unscheduled repair to water services, and traffic disruption due to repair activities. The purpose of this letter is to inform you that the City of San Diego will be installing above ground piping ('highline') to provide water service to your property beginning on September 20, 2007. At that time, the Water Department will isolate and depressurize (turn-off) the existing water main. In addition, the City will be hiring a geotechnical consultant to conduct a soil investigation in the area to determine the cause of the recent leaks. While most of this work will take place in the street and sidewalk, there will be some unavoidable inconvenience to local residents as equipment and personnel take up parking.

The purpose of this effort is to minimizing potential for damage to the water main and roadway due to potential soil movement in the 5700 block of Soledad Mountain road. Until the cause of the leaks has been identified and corrected, the City will utilize the highline to provide reliable water service for your property, and other properties that depend upon the subject water main.

We appreciate your patience and cooperation during our activities in the area to protect the utilities, and investigate and identify the cause of the problem...

So, the geotechnical expert was hired and was actually involved...the geotechnical expert was hired and was in fact trying to find out what the cause and had the equipment in the ground when the slide occurred.

11:10<sup>2</sup>

---

<sup>1</sup> Timer counter on City of San Diego video archive of City Council meeting

<sup>2</sup> See at *Id.*

I think that what we are after as a City is the truth. If we don't believe that taxpayers should be responsible for geotechnical developments in area in which people were fully informed of the risks that they were taking. The best way for us to make sure that the City and the taxpayers are protected is to be the source of reliable, honest information. And that's what I believe our policy should be from a legal point of view. And I also believe that we should not be discussing this in closed session unless there is a very specific reason to do so, which I have yet to hear.

Exhibit 163

## Experts probe La Jolla hillside

### Cause of landslide sought; most get OK to return to homes

**By Mark Sauer**  
STAFF WRITER

October 5, 2007

As residents soberly took stock yesterday of damage to their homes and property values, geologists began looking into what caused the devastating landslide on the east side of La Jolla's Mount Soledad, and how to fix it.

Probes are being drilled deep into a hillside that has "temporarily stopped moving," as Mayor Jerry Sanders put it. Soil experts descended and began a "forensic examination" of the slippery slope.

The precise cause of the slide – anxiously sought by attorneys lining up behind some homeowners – could remain elusive for some time, city officials said.

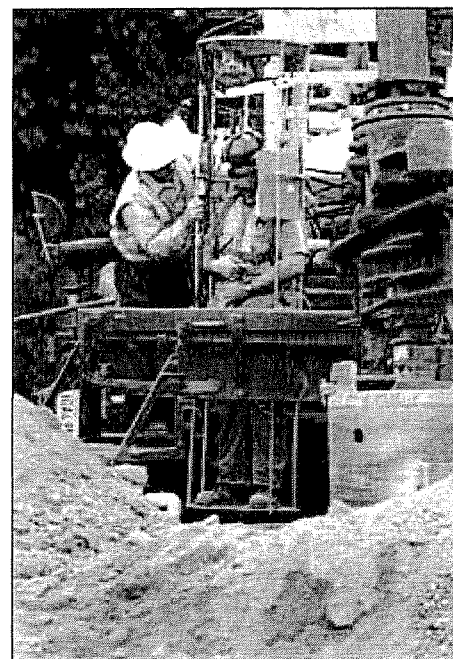
Although the vast majority of the 111 homeowners in the affected area were cleared to move back in yesterday, streets buckled by the slide – the 5700 block of Soledad Mountain Road, all of Desert View Drive, its alley and Palomino Circle – are closed indefinitely.

The extent of work to be done, how long it will take and what it will cost are simply the province of speculation for now, Sanders said.

The mayor's request to apply for state and federal emergency funding to help offset the cost of rebuilding was approved yesterday by the City Council.

For nine families in homes "red-tagged" as uninhabitable, the realization began sinking in that their lives in million-dollar aeries had dissolved into uncertainty and dread in a moment's rumble of dirt and rocks.

Hany and Summer Girgis got lucky six years ago when the house they'd missed out on dropped out of escrow and they were able to buy it. Now they can't even go back inside.



NELVIN CEPEDA / Union-Tribune  
Geologist Rupert Adams was lowered yesterday into the first of three 100-foot-deep holes to be drilled into Mount Soledad so the slide can be studied from inside. "I'll be down there for hours," he said.

- [Crisis deepens rift for mayor, city attorney](#)
- [Project approvals in unstable areas criticized](#)
- [For homeowners on hillside, grim realities begin setting in](#)

"Half the garage is leaning in one direction," Hany Girgis said.

Since the slide, he has viewed his Soledad Mountain Road house only in newspaper photos and TV shots. He's not sure if they can ever go back, or what the disaster means financially.

The couple paid \$589,000 for the 2,100-square-foot house in 2001; it's now worth \$1,128,852, according to one real-estate Web site. Or rather, it was before the earth fell from beneath it.

"Regardless of what happens, any future buyer is going to know the story," Girgis said.

Despite stereotypes, he said, not everyone living on the La Jolla hills is fabulously rich, although home values in the slide area range from about \$1 million to \$1.8 million.

"The people (in the neighborhood) are hard-working professionals," said Girgis, who runs a technology company and whose wife is a middle-school teacher. "They work every day to make the mortgage."

Gary Kent, a Re/Max Associates real-estate broker who lives about seven blocks from the slide, said La Jolla property values may drop briefly.

But values in the seaside community of more than 30,000, where the median annual income is \$105,000, are likely to rebound sooner than later, Kent said.

"Tomorrow, a house one door away (from the slide) probably will be very hard to sell," he said. "Five years from now, a house two blocks away . . . probably, it won't make any difference.

"It's really going to be those two factors – time and distance."

The arduous process of shoring up the Mount Soledad hillside began yesterday with geologists and engineers drilling the first 100-foot-deep holes about shoulder width that will enable scientists to see the slide from inside.

Rupert Adams, supervising geologist for the Carlsbad firm Helenschmidt Geotechnical, was the first man in. Armed with a clipboard and hammer, he was lowered in a cagelike platform to check for such things as dirt density and angles of sediment, and to look for the bottom of the slide plain.

"I'll be down there for hours scraping away," Adams said before heading into the abyss.

The first two holes will be drilled on Soledad Mountain Road. A third will be drilled off the Desert View Drive alley at the toe of the slide.

Data collection should be finished within five to seven days, said Robert Hawk, the city of San Diego's senior engineering geologist.

That will be followed by perhaps two weeks of work repairing the giant cavity scarring Soledad Mountain Road.

Then comes the final phase of the reconstruction project: fixing the mountain. No one knows how long that could take, or what the slope will look like a year from now.



"We'll probably have a menu of options, each one more expensive than the next," said City Councilman Kevin Faulconer, who represents the slide-affected neighborhood. "That's what we have to determine in the next days and weeks."

Fixing Soledad Mountain Road remains a priority, but engineers say it is still months away. Before the slide, an average of 8,500 vehicles traveled the road daily, officials said.

Complaints about water leaks continued to be heard from local residents yesterday.

Mark Olsson, who lives about 20 houses uphill from the landslide, said he noticed a water-main break while driving home on Soledad Mountain Road shortly before 8 p.m. on July 18. City workers had shut off the water and were draining pipes.

"I believe this was the event that started the entire problem," said Olsson, whose company makes equipment for locating buried utilities. He added that photos he took of the water-main break "correspond exactly with where the landslide failure occurred."

Saturation of the hillside so concerned Don and Yolanda Braunagel that back in August they stopped watering the landscape at their now red-tagged home on Soledad Mountain Road on the edge of the slide.

The couple, who cut short a three-week sea-cruise vacation and are headed back home, said they were surprised that summer drought and a heat wave had no effect on their yard.

"The grass stayed green, the plants didn't die," Don Braunagel said by cell phone yesterday. "There was a lot of water in that ground."

The water issue is sure to factor into looming litigation.

City soil experts, backed by independent geologists, said that the hillside has long been known to be unstable, and that shifting earth caused buried water pipes to rupture, not the other way around.

However, attorney Patrick Catalano, who already represents one Desert View Drive homeowner and has been contacted by several others, says the city is to blame.

"The damage total is \$25 (million) to \$35 million minimum," said Catalano, who was involved in a recent \$12.5 million settlement of a landslide involving a Carlsbad condo project.

At a packed La Jolla meeting last night, City Attorney Michael Aguirre continued taking testimonials from angry Mount Soledad residents.

Aguirre's response to anticipated lawsuits against the city: "Being the source of information and truth is the smartest position the city can take."

San Diego officials have known about the most recent landslide threat on Soledad Mountain Road since July.

The mayor's office was first alerted to a problem on July 19, when Councilman Faulconer's office reported potential leaks and soil movement, mayoral spokesman Fred Sainz said.

The city immediately began investigating and monitoring the situation, but no evidence existed that a landslide was imminent, Sainz said.

By mid-September, city engineers, water department officials and others met to review developments and figure out what to do.

They opted to install an above-ground water main along the 5700 block of Soledad Mountain Road so that service would not be disrupted while engineers determined the extent of the problem.

They also hired Helenschmidt Geotechnical and decided to notify residents of the situation by letter. After the City Attorney's Office weighed in on the letter, it was sent to the affected homeowners, Sainz said.

Mailed to homeowners on Sept. 19, the letter referred to "possible soil movement in the 5700 block of Soledad Mountain Road."

In a special session yesterday morning, the City Council ratified the mayor's request to apply for state and federal disaster assistance to rebuild streets and the hillside.

The emergency declaration does nothing, however, to provide relief or low-interest loans for individual landslide victims.

*Staff writers Chet Barfield, Gerry Braun, Mike Lee, Jeff McDonald, Terry Rodgers, Steve Schmidt, Roger Showley, Michael Stetz and Jennifer Vigil contributed to this report.*

---

■Mark Sauer: (619) 293-2227; [mark.sauer@uniontrib.com](mailto:mark.sauer@uniontrib.com)



NELVIN CEPEDA / Union-Tribune

Engineers said yesterday that repairs to Soledad Mountain Road, which was used by an average of 8,500 vehicles daily, are still months away. The 5700 block of the road, as well as all of Desert View Drive, its alley and Palomino Circle, are closed indefinitely because of Wednesday's landslide.

**»Next Story»**

---

**Find this article at:**

[http://www.signonsandiego.com/uniontrib/20071005/news\\_1n5slide.html](http://www.signonsandiego.com/uniontrib/20071005/news_1n5slide.html)

☐ Check the box to include the list of links referenced in the article.

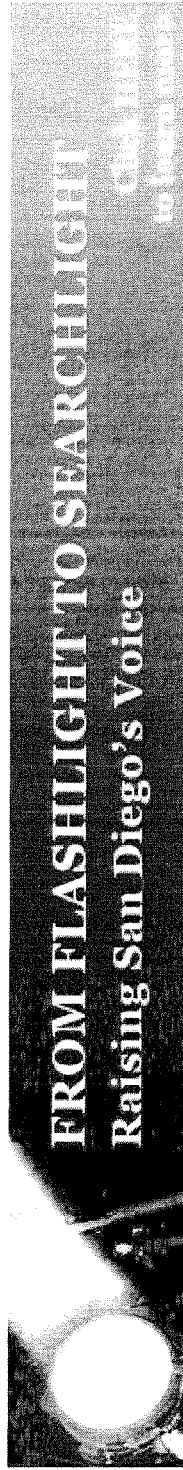
© Copyright 2007 Union-Tribune Publishing Co. ? A Copley Newspaper Site

Exhibit 164

# COMMENTARY

HOME GOVERNMENT HOUSING ENVIRONMENT EDUCATION ECONOMICS SPORTS LETTERS

Search



**SUPPORT US TODAY!**  
**DAILY NEWS ALERT**  
**RSS FEEDS**

## Landslide Liability

Published: Friday, October 5, 2007 5:24 PM PDT  
 PRINT E-MAIL STORY SHARE

You might have noticed I enjoy doing transcripts. They're easy and you guys seem to like them. Let me know if that's not the case.

I'm interested in this question about the city's legal liability in matters like the landslide in La Jolla. As you probably know, there's this popular impression spreading that City Attorney Mike Aguirre exposed the city to liability with his comments in the immediate aftermath of the incident.

I don't know. I think it'd be absurd for the city to have to, in effect, cover something that insurance companies won't. I'd like to find out how much the city's paid out in earth movement settlements with homeowners.

About Aguirre, I talked to one lawyer, an expert in municipal law, who didn't want to be named. He said he initially thought the city attorney had exposed the city more but then he made what I thought was a really good point: "Liability needs to be proven by facts."

He continued:

Even if a plaintiff wanted to introduce his statements as an admission by the city, I doubt it would be admitted. I have no doubt that his statements gave comfort to those who will sue the city, and at least will cost the city many dollars in attorneys' fees. His actions have been reckless, and certainly not those I would want of my attorney if I was facing potential liability. The thing to watch for is whether, without City Council approval, he tries to cut a deal with any plaintiff. That would not in the best interests of the city, but makes him look good.

Continuing with the same theme, Aguirre was on the Roger Hedgecock show yesterday. It was rather amusing as he

This Just In

**Look Who's Talking:** A lis speakers at next week's nuclear hearing Tuesday, December 4, 2007 -- 4:14 pm

**No Money, No Problems** Schools can avoid No Child Left Behind declining federal money. Tuesday, December 4, 2007 -- 4:10 pm

**Taxpayer Advocate Quit: School Board Race:** Candi says time commitment was too much. Tuesday, December 4, 2007 -- 3:55 pm

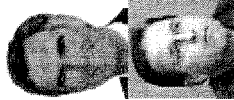
SPONSORED BY

**Official Mexico Insurance**  
 Mexico Law Requires Mexican Insurance. Get Quote Now & Print Your Policy.  
[www.OfficialMexicoInsurance.com](http://www.OfficialMexicoInsurance.com)

SURVIVAL IN SAN DIEGO  
**A Holiday Gift for**

apparently was racing to the scene of a major water main break on Ingraham Street near SeaWorld.

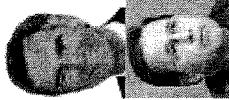
Hedgecock had some questions for the city attorney:



**Hedgecock:** Do you think, based on any evidence you've seen in the last 24 hours since this slide up on Mount Soledad, that the city did anything wrong?



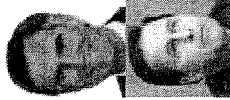
**Aguirre:** Well, the one thing we did that was wrong has been, since this happened, not tell the truth about what we knew. For example, on the 19th of September, we wrote to the Soledad Mountain homeowners, our chief engineer, that there have been a series of water links on service connections from our main water line on your street and that we were hiring a geotechnical consultant to conduct a soil investigation in the area to determine the cause of the recent leaks. I don't believe that the city of San Diego has any liability for what happened but I think we do have a responsibility to make sure that whatever information we put out is accurate and information that people can rely upon.



Was that inaccurate?



Well, what I just read is accurate. What has been said by some, I think, has not been as consistent with that statement as I think it should have been.



OK, what do you mean?



Well, I mean, we wrote people on Sept. 19 telling them that there have been a series of water leaks on the connections from the main water line on Soledad Mountain Road where the cave-in took place. And other people have said "Oh no, there wasn't any water leaking over there." I think that is incorrect, one ...



Who's saying that?



Well, I don't want to get into personalities but let me just say that it's important that individuals who are speaking for the city, remember that; uh, I went through a complete review today; we have settled almost every single slide case that has been brought in the city of San Diego and the most important thing is to make sure we have insurance coverage. And when individuals make comments that might

**Foreclosure Nerds:** We've updated our foreclosures-by-ZIP feath Tuesday, December 4, 2007 -- 9:55 am

LETTERS TO THE EDITOR

## Not Enjoying Online:

Television news is superficial and rev driven, and now it seems newspapers going the same route.  
Tuesday, December 4, 2007 -- 8:08 pm

CAFÉ SAN DIEGO

**Power to the People:** Why San Diego continue to import more at more of our power over vulnerable transmission lines?  
Tuesday, December 4, 2007 -- 8:03 pm

COMMENTARY: SLOP

**Some Followups:** The supe spread some love and Seth's off the h Tuesday, December 4, 2007 -- 4:27 pm

COMMENTARY: RICH TOSCANO

## The United States of

**Bailouts:** The federal governme pulling out the stops to keep housing unaffordable.  
Tuesday, December 4, 2007 -- 9:20 am

## MOST POPULAR STORIES:

READ ☐ E-MAILED ☐ PRIN

1. Union-Tribune Cutting More Newsroom Employees
2. Healthy Families vs. Family Values
3. When Charters Close, Public Schools Foot the Bill
4. Newsroom of the Future
5. Only a Few Hundred Million Short

Sponsored by

interfere with that that actually compromises the city's legal position. I have retained expert insurance legal counsel. We have gone back and are doing a very careful legal analysis of all the legal elements that are in play here in terms of any potential causes of action for dangerous conditions or for inverse condemnation and we need to make sure that the statements being made are either not made at all or are consistent with the city's best legal position.



OK, I think I'm going to leave it there Mike because I could spend the rest of the afternoon telling you how actually opposed I am to what you just said. But I'm just going to leave it. Because it just needs to be discussed, and maybe this discussion itself is too open from the standpoint of my concern that those statements and others you have made like them are going to make settlement necessary and are going to subsidize these homeowners' loss through the taxpayer base of the rest of the community of the city of San Diego because when you talk settlement, you're not talking about insurance that's free. You're talking about insurance that we the taxpayers pay for.



I think what you want to be careful of though is that if you have potential exposure, that you don't do something that negates your insurance coverage. And as I said to you before, we've handled numerous slide cases in the city of San Diego and all of them have been settled and the most important thing is to make sure we have the resources to deal with the problem. I will say this: If you live in the city of San Diego and your house is impacted in the way that occurred here where there's obviously going to be roads that have to be repaired, houses that are going to have to be repaired, money is going to have to be secured from the federal government for emergency purposes and the rest of it, I think that our primary focus has to be to make sure we have the resources to do the reconstruction. You're not going to leave all these houses abandoned on the side of the road and I think the most important thing is we address this in the most mature way possible recognizing what our legal interests are. I will tell you that what I'm telling you and what I'm doing is going to be the least expensive for the taxpayers and if people go out and try to pretend that facts are other than they are, that will be the most expensive. ...

So Aguirre is accusing city officials of trying to lie to residents about water leaks that were occurring in the area and he's promising that if you were affected in the landslide, your house is not going to be abandoned.

-- SCOTT LEWIS

## Reader Feedback

**Comments are now displayed with the newest at the bottom. Not sure you're seeing all of the comments? Click [here](#):**

[Refresh Comments](#)



Comments so far on this story:

**1. Ralph** wrote on **October 5, 2007 6:44 PM**:

"What you've just reported is typical Aguirre double speak. First of all Aguirre had absolutely no business at the slide scene, and secondly he shouldn't have made any statements as to the probable cause of the slide without a competent Geological Expert conduct an extensive investigation first. Please let me add to Mr. Agurries evaluation: Recently there have been several earthquakes off the coast of La Jolla, that possibly, maybe, could have, in all likelihood, with a good chance of probability, may have or could have, in some way, on an outside chance, created a situation where ground could have moved in and around La Jolla, Coronado, Encinitas, Del Mar, San Clemente Island, Santa Catalina Island, and/or Mt Soledad, which may have or may not have caused the slide! Get my point!"

**2. RD** wrote on **October 5, 2007 8:52 PM**:

"Although your column did not cover the entire Aguirre/Hedgecock exchange, the story regarding the John Monti incident holds great interest especially when Roger caught Mike in bald face lie. Listen carefully, Aguirre initially claims to know nothing about the incident but later says it was of high interest to him and others. I'm sure it was... Additionally, the police department's initial investigation lists Monti the VICTIM of Robbery... But somehow Aguirre's office charges him with several misdemeanor violations? What happened to the suspect's of robbery? This is real story, not his running around the city acting, albeit poorly, as the Mayor."

**3. BBH fan** wrote on **October 5, 2007 8:54 PM**:

"I bet this whole thing started because of the homeowners over watering their lawns and plush yards. This cause the land to slip a little. The slip put too much pressure on the water lines and they began to leak. This caused the land to slip a little more. When the land moved it cause pipes to leak more until the ground could not hold any more water. Thus, the landslide. Aguirre will cost the taxpayers millions. The City will have to hire outside counsel to defend the City since the idiot city attorney has seen fit to put shoe in his mouth. I bet if Aguirre tried to defend the City, he would be recused by the court. Again"

**4. Billy! Bob!! Henry!!!bvopw** wrote on **October 5, 2007 11:10 PM**:

"Nike has as much business as any other City official to be at the scene and all you yahoo's that say he does not are most likely gov welfare queens just trying to undermine Mike's crusade against your scams. Now, having said that, Mike should not make any more public comments as to liability, zero. He needs to take a wait and see what happened approach before talking liability or insurance. This mess is light year from being over, and we are just now at the first inning."



**5. Norman** wrote on **October 6, 2007 6:37 AM:**

"Guys, there's a war going on over at City Hall. There's no doubt the lawsuits are coming from the La Jollans, people probably sue our city if they get gum stuck on their shoes while walking city streets. All this focus on Aguirre is like the talk about Britney Spears on TV. The media is giving him attention and he's going to try and use it to show the lies and deception going on in City Hall. The election is coming up and things are a mess. You gotta admit it's better entertainment than watching football....and listening about the Chargers and Mark Fabiani's gobble de gook. Let's talk about the mayor. What's the mayor and his bodyguards doing in DC anyhow?"

**6. Hillcresttaxpayer** wrote on **October 6, 2007 7:24 AM:**

"All this talk of the City's insurance: I thought the City was self-insured. Does anybody know about this?"

**7. Dick** wrote on **October 6, 2007 8:53 AM:**

"Good transcript article, Scott. Keep them coming. Aguirre says that 'statements being made (by city officials) should be 'consistent with the City's best legal position.' Say what? The day before at the scene on live TV he all but admits the City caused the slide via leaking water pipes and said the City has a history of buying homes that have been impacted by landslides. Sounds to me Aguirre should go back to being a plaintiff's attorney. He simply is unable to properly represent the City's best interests. His behavior is, however, consistent with someone who wants to drive the City into bankruptcy."

**8. Simple Guy** wrote on **October 6, 2007 9:59 AM:**

"I just heard on KPBS that the first Soledad-slide lawsuit against the City has been filed by a La Jolla homeowner for \$2.5 million...Thanks Mike! With Aguirre's track record in court, who wouldn't want to file a lawsuit against the city. It's practically a sure win!"

**9. gene** wrote on **October 6, 2007 11:29 AM:**

"Thank you Scott and Ralph for your statements! They are very true and I agree with them whole heartedly. I wonder how anybody that is an knowledgeable  
â€œEXPERTâ€œ on every field has to â€œumbl himself at such a mundane job as a part time City Attorney when he could make many times more \$\$ as a world consultant in any field, except maybe law. Mikey uses what is called â€œcreative avoidanceâ€œ, that is when you donâ€œt know how to do something your job requires you find many ways to AVOID doing your job. I think the old statement applies to AG: â€œPUT BRAIN IN GEAR BEFORE RUNNING MOUTHâ€œ."

**10. Mike L.** wrote on **October 6, 2007 11:46 AM:**

"Ralph, Point well made; and I love the embedded humor."

**11. JF wrote on October 6, 2007 1:04 PM:**

"Dick's last sentence cuts to the point of a lot of Aguirre's behavior. Isn't Aguirre buddies with Pat Shea, the well known bankruptcy attorney who wishes to be Mayor? By costing the city money and pushing it towards bankruptcy, doesn't Mike help out his buddy's possible campaign? Here's my view on Mike showing up at the scene. Yes, he has as much right as any other elected official. But he shouldn't claim to be in charge. That circumvents an already established chain of command. Circumventing the chain of command is simply dangerous for all responders. Is it true that Aguirre said, "Hey, watch this" to a cameraman before picking his fight with Jay?"

**12. Billy Bob Henry wrote on October 6, 2007 1:29 PM:**

"Hey Dick, it really does not matter WHAT Mike said regarding the Cities liability-Mike CANNOT bind the City with liability based on his speculative statements, just like he cannot undue the pension scams on his own by HIS lone statements. Liability will be determined in a court of law, where evidence MUST be presented to show causation-and if there is no evidence showing City causation of the slide-then there is simply no liability-IRRESPECTIVE of what Mike (or Sanders, or Sainz or anyone else from the City) says. So get off the soap box. Still, I agree Mike should keep quiet so as to not stir the pot."

**13. Marty wrote on October 6, 2007 3:04 PM:**

"I am curious to know if any of these homeowners may have been in the process of a home remodel or landscape remodel. Where does that leave the contractor in the case of a destroyed home?"

**14. Fed Up wrote on October 6, 2007 6:03 PM:**

"For Pete's sake, Mayor Sanders and Council President Scott Peters and Councilmember Kevin Faulconer were ALL in D.C. at a Chamber of Commerce shindig when Mount Soledad started slipping downhill. At least, thank you very much, Mike Aguirre was at work. What's the old saying about "showing up?" That's what Mike did -- show up. Personally, I appreciated hearing a few official words from somebody describing what was happening when it was happening, what agencies were present to help residents, and who would be coming out from the Mayor's office. It is a total fiction that Aguirre somehow has increased the City's liability for this mess: he did no such thing and it is slander to say otherwise. And now you're even taking Pat Shea's name in vain? Give the blame-game a rest."

**15. TY wrote on October 6, 2007 6:10 PM:**

"OK, everyone who owns a home on Mt. Soledad, do this one thing -- Pull out your escrow papers and check the page about known hazards. Did you sign this paper? Well, good for the city and bad for you. You're screwed. If you don't have such a disclosure, then sue your real estate agent and the past owner. He/she's screwed....."

**16. Billy Bob Henry wrote on October 6, 2007 8:22 PM:**

"Sorry JF, there is no CHAIN OF COMMAND for Mike, he is an elected City Attorney, not a rank and file PD or FF, where there is a chain of sommand. That would be like YOU telling ME I could not voice an opinion because am not in the chain of command. Sorry, it does nto work that way. I ythink all you freelaoding gov workers think that San Diego has money growing on tees and that if there is not noough it is your RIGHT to go with hat in hand to taxpayers and scam more money. WRONG. The City has a bidget just like everyone else does, and we are NOT spending 99% of tha budget to finance 6 figure incomes and multi million dollar pensions to the connected and lucky few and get FF jobs."

**17. Billy Bob Henry wrote on October 7, 2007 7:58 PM:**

"When a hone is destroyed, then the contract is voided, due to u impossibility to compelte. The homeowner would be liable for all work up to the point the disaster happened, even though they wouldnot benefit, but anything left to be done would be voided out."

**18. Chuck wrote on October 7, 2007 9:13 PM:**

"Scott, the time has come to recall Aguirre and for you to censure BBH. I can no longer abide by their hysterical rants. In BBH's case, until he learns to spell and write a legible sentence, he cannot offer any meaningful dialog to any issue or debate."

**19. Simple Guy wrote on October 7, 2007 9:19 PM:**

"Fed Up wrote on October 6, 2007 5:03 PM, in regards to suggestions that Aguirre has increased the City's liability over Soledad, "Give the blame-game a rest." An Aguirre supporter calling for an end to the "blame game"? Isn't that the height of irony!!! Don't forget, Mike Aguirre has accused the mayor, almost every city council member, and innumerable city staff members of corruption, and has yet to produce a shred of proof. He files countless lawsuits blaming everyone under the sun for just about any problem that he can find, and loses them all because of his incompetence combined with a lack of evidence. Mike Aguirre is the King of unjustified finger-pointing! Fed Up, why don't you give your advice to someone who could use it, your buddy Mad Mike?"

**20. Cynic wrote on October 7, 2007 11:53 PM:**

"Hey BBH, you agree the "Mike should keep quiet so as to not stir the pot"? Ha ha ha ha ha! What a laugh! That's all he does. He stirs and stirs and never makes anything but trouble. File lawsuits, hire law firms, give raises, cost the City oddles of money, and never, ever, ever win a case. The man is a legal menance, and to boot he colludes with attorneys representing plaintiffs against the City (see today's article in the U-T about his proposal to Michael Conger). Unethical is his middle name, all to satisfy his megalomania."

**21. JF wrote on October 8, 2007 7:38 AM:**

"BBH, that's exactly my point. Aguirre is NOT in that chain of command. He's an advisor. (And not in the Vietnam style 'military advisor') For him to claim "I'm in charge" is a false statement and potentially dangerous."

**22. jad** wrote on **October 8, 2007 9:06 AM**:

"Personally, I find it comforting that the Mr. Aguirre takes time from his frenetic schedule to not only read, but contribute, to this forum. Although the screen name "Billy Bob Henry" is somewhat obtuse... Speaking of obtuse, no need for others to trash our City Attorney, he does a fine job unassisted. It takes a special sort of legal brilliance for a lawyer (and politician) to make these statements in the same paragraph: We did not tell the truth... I don't believe the City of San Diego has any liability."

**23. Donald Reno** wrote on **October 8, 2007 11:14 AM**:

"Everyone should do their due diligence in regards to property they are purchasing. I remember when the first 7 homes slid into rose canyon; I lived in North West Clairemont that over looked Rose Canyon, We wondered at the time why anyone would buy a home there after the slide, we came up with the View was so good as to make the risks almost worth it. Well it has happened again although not as bad this time but this time it is supposedly the City's Fault and not the builders for building on a piece of unstable real estate. Horse Pucky the Place has always been unstable and everyone knew it but because you are saying the city let water leaks go unfixed that the place succumbed to a land Slide - Horse Pucky!"

**24. Donald Reno** wrote on **October 8, 2007 11:21 AM**:

"Continued from above... What about the 18 inches of Rain we got in 2004 why did it not slide then? Well my Opinion is that this place should never have been developed but some greedy developer knowing that someone would buy them no matter what the risk he went ahead and built them and fast forward 46 years and Viola another Land Slide what a SHOCK: Again HORSE PUCKY. You bought where you bought - you took the Risk and Lost - Suck it up like a big boy and Pay the Piper Yourself... The Taxpayers of San Diego do not owe you One Red Cent! One San Diego Natives Opinion..."

**25. Omni-Potent** wrote on **October 8, 2007 3:12 PM**:

"Now I am convinced that BBH is not MA. That was the first time I read an objective comment under that hill billy moniker. Very impressive. I suspect the next few months will be interesting. Sometimes, San Diego reminds me of the movie "Midnight in the Garden of Good and Evil." Only, who's good, who's evil? Its more like shades of grey- or green- and some color that represents ego."

**26. Billy Bob Henry** wrote on **October 8, 2007 9:45 PM**:

" ..... Censure from Chuck..... Obtuse from Jad and Hill Billy Moniker from Omni!!..... why

all the hate???? I must admit, I did take the Billy Bob Henry handle because it IS a hill billy handle. The Beverly Hill Billies was one of my favorite TYV shows, but Censure?? Obtuse??, please! I do type fast with many errors, I don't have time to spell check. I have real work to do. Sorry."

**27. Fuzzy Bunny** wrote on **October 9, 2007 12:52 AM**:

"A PROCLAMATION: From now on Mike Aguirre is to be referred to as: "Master and Commander""

**28. CeeMac** wrote on **October 9, 2007 1:51 PM**:

"Fuzzy Bunny wrote: "A PROCLAMATION: From now on Mike Aguirre is to be referred to as: 'Master and Commander.'" To that, I'd like to add that Mike should also be known as "The Decider Man.""

[Refresh Comments](#)

#### Feedback Rules

- Users may post more than one comment, but should not pose as multiple users. Multiple posts from the same IP address but with a different user name on each will be reviewed to determine whether abuse has occurred.
- Posts with overly personal attacks or unsubstantiated allegations may be edited or deleted.
- Please be patient with the posts -- there may be a delay before they appear on the site -- and make sure to enter the code in the "image verification" box.

#### Add Your Comments

Name:

Comments:

Current Word Count:

0

Verification Code:

74d3761

Post Comment

[Home](#) [About Us](#) [Contact Us](#) [Copyright](#) [Privacy Policy](#) [Site Sponsorship](#) [RSS](#)

Copyright © 2007 voiceofsandiego.org. All Rights Reserved.

[Terms of Use](#) [Privacy Sta](#)